

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 578

a violation has occurred, if they determine that the violation has occurred, what, in your view, is the commission to do from that point onward?

SENATOR BROMM: If they determine a violation has occurred, I think they gather the information they have and present it to the county attorney of jurisdiction...

SENATOR CHAMBERS: Now...oh, excuse me.

SENATOR BROMM: ...to consider prosecution.

SENATOR CHAMBERS: While you were county attorney, was there any other agency or individual given the power, under the law, to determine whether or not a prosecution is likely to be successful?

SENATOR BROMM: Not...not that I can recall, not...you know, I'm sure that some made that determination, internally, but it wasn't prescribed to them or given to them in the law. And did you see me turn my light on, is that...

SENATOR CHAMBERS: Oh, no, I didn't. Oh, did you turn it on?

SENATOR BROMM: I...I did, just before you started to involve me, so I appreciate that.

SENATOR CHAMBERS: Oh, okay. With the language in Section 2, wouldn't that be giving to this commission by statute a power which is given by statute and always has been placed with the county attorney?

SENATOR BROMM: Yes, I think to determine whether a person could be successfully prosecuted has always been left to the prosecutor to make that final determination.

SENATOR CHAMBERS: Thank you. Mr. President, I hope that the body will see that Section 2 ought to be stricken from this bill. It will retain all of Section 1, which I thought might have been the main thrust of the bill anyway, which is to say that before the commission has to start action, in terms of an investigation or whatever they do, the complaint filed would